

**Amendment No. 3 to SB0362**

**Haile  
Signature of Sponsor**

**AMEND Senate Bill No. 362\***

**House Bill No. 1318**

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 36-1-111(d), is amended by deleting subdivision (2) in its entirety and substituting instead the following:

(A) A parent may start the process of a surrender or parental consent prior to the birth of an unborn child by appearing before a judge of the chancery, circuit, or juvenile court in accordance with subsection (b) and presenting any necessary documents or forms.

(B) The surrender or parental consent process started prior to the birth of an unborn child under subdivision (d)(2)(A) shall not be considered executed for purposes of this chapter prior to the birth of the child and the expiration of any applicable waiting period required by this part. The parent may withdraw the documents and forms presented to the judge at any time prior to the time the surrender or parental consent executes by notifying the court in which the process of surrender or parental consent was started.

(C) A parent appearing before a judge to start the process of surrender or parental consent pursuant to this subdivision shall be represented by legal counsel throughout the surrender or parental consent process until the surrender or parental consent is executed and final under this part, including the expiration of the revocation period provided in § 36-1-112. In the case of a child being surrendered directly to prospective adoptive parents, the prospective adoptive parents shall, if so requested by the surrendering parent or parents, compensate the legal counsel, which must be

**Amendment No. 3 to SB0362**

**Haile  
Signature of Sponsor**

**AMEND Senate Bill No. 362\***

**House Bill No. 1318**

certified as having been completed before the surrender can be executed. In the case of a child being surrendered to a licensed child-placing agency, the agency shall, if so requested by the surrendering parent or parents, compensate the legal counsel, which must be certified as having been completed before the surrender can be executed. A parent seeking to use the pre-birth surrender process set forth in this subdivision (d)(2) may not waive the requirement of representation by legal counsel, and the parent's legal counsel shall not represent any other party in the adoption proceeding or any agency involved in the case. The legal counsel shall be recognized and approved by the judge.

(D) After the birth of the child and the expiration of any applicable waiting period required by this part, a surrender or parental consent presented to the court according to subdivision (d)(2)(A) that satisfies the requirements of this section is considered executed immediately upon the expiration of the applicable waiting period for the surrender or parental consent and subject to the expiration of any applicable revocation period thereafter, without any additional action required by the presenting parent. As provided in this section, the applicable waiting period begins on the first calendar day, including weekends and holidays, after the date of the birth of the child and ends at midnight on the fourth calendar day, including weekends and holidays, after the date of the birth of the child. The revocation period shall occur as provided in § 36-1-112(a). All other applicable provisions of this section shall apply to any surrender or parental consent under this subdivision (d)(2), and all other applicable provisions of § 36-1-112 shall apply to any revocation under this subdivision (d)(2).

(E) At the time of filing surrender or parental consent documents as provided in this subdivision (d)(2), a parent shall also file an order of guardianship to be executed simultaneously with the surrender or parental consent.

SECTION 2. Tennessee Code Annotated, Section 36-1-111, is amended by adding the following new subsection:

( ) For the purposes of determining the health insurance coverage for a child for whom a surrender or parental consent is executed pursuant to this section, the child shall be covered by the health insurance of the child's birth parent until the surrender or parental consent is executed, at which time the child shall be covered by the adoptive parent's health insurance if applicable. A revocation of a surrender or parental consent shall restore the child's original health insurance through the birth parent.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.